

F

Leo Glickman

From: Leo Glickman
Sent: Wednesday, June 14, 2017 12:56 PM
To: Denise Buckley
Subject: RE: Burks v Stickney (16-cv-759) - photo array viewing

As discussed by phone, we are seeking court intervention to stop the Attorney General from engaging in the conduct below. We are drafting our Order to Show Cause and will be filing it within the hour.

From: Denise Buckley [mailto:Denise.Buckley@ag.ny.gov]
Sent: Wednesday, June 14, 2017 11:14 AM
To: Leo Glickman <lglickman@stollglickman.com>
Subject: Burks v Stickney (16-cv-759) - photo array viewing

Leo,

As discussed with you this morning, we are proceeding with plaintiff's photo array viewing at Great Meadow CF at 9 am tomorrow, as previously agreed. A court reporter will be present to transcribe the viewing. The viewing will be videotaped.

We have arranged this viewing at your request and at a time and date on which you previously indicated you were available. My understanding is that you are objecting to the photo array viewing being conducted in the presence of the OSI and being video-taped and transcribed is because you believe attorney-client privilege applies. The original photo array viewing took place in the presence of OSI staff and at no point did we agree or imply that the upcoming viewing would take place in private consultation between you and your client. We believe the viewing should be transcribed and videotaped for the record and we see no reason for your refusal to participate in the viewing as previously agreed simply because we are taking steps to create a proper record.

Best regards,

Denise Buckley | Assistant Attorney General
Litigation Bureau
NYS Office of the Attorney General
State Capitol | Albany, NY 12224
Tel: (518) 776-2294 | Fax: (518) 915-7738 | denise.buckley@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

As previously advised, the Department of Corrections and Community Supervision ("DOCCS") has offered to arrange for your client to review, in your presence, the photo arrays that were shown to your client in the course of the OSI investigation into the claimed incident of July 5, 2015. In the event that your client's responses to the enclosed Notice to Admit includes an admission that the claimed incident of July 5, 2015 allegedly took place between 10 pm and midnight, DOCCS will arrange for your client to review, in your presence, photo arrays of all officers on duty on July 5, 2015 between 10pm and midnight in the C-Block area of Clinton Correctional Facility.

Best regards,

Denise Buckley | Assistant Attorney General

Litigation Bureau

NYS Office of the Attorney General

State Capitol | Albany, NY 12224

Tel: (518) 776-2294 | Fax: (518) 915-7738 | denise.buckley@ag.ny.gov

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.